

# **Campground Regulations Workgroup**

## **Meeting Minutes**

### **July 7, 2014, 1:00 p.m.**

The campground section of the Public Health Code, 1978 PA 368, Part 125 (Act) has not been updated since 2004 and the rules have not been updated since 2000. Both the Act and rules reflect simple transient camping, but many sectors of the industry have progressed to provide more amenities, especially in terms of more fully equipped recreational vehicles (RVs) and increased seasonal camping. Public health and safety issues related to industry progress are not fully addressed in the Act and rules. This Workgroup has been convened to recommend changes to both the Act and the rules that will better reflect current industry practices.

#### **Abbreviations**

Abbreviations used throughout the minutes and other correspondence. Other less used abbreviations will be set in the context of the location where it is used, many of which are in the Attendance following.

- Act means the campground sections of Part 125 of the Public Health Code, 1978 PA 1968 as amended
- ARVC-MI means the Association of RV Parks and Campgrounds of Michigan
- CG means campground
- DEQ means the Michigan Department of Environmental Quality
- DNR means the Michigan Department of Natural Resources
- LARA means the Michigan Department of Licensing and Regulatory Affairs
- LHD means local health department
- MARVAC means Michigan Association of Recreation Vehicles and Campgrounds
- MDARD means the Michigan Department of Agriculture and Rural Development
- Rules means the Michigan Campground Rules
- RV means recreational vehicle
- Workgroup means the Campground Regulations Workgroup

#### **Attendance**

The sixth meeting of the Campground Regulations Workgroup (Workgroup) convened at 1:08 p.m. Members and guests attending this meeting were:

- Ken Bowen, Health Officer, Ionia County Health Department, representing Michigan Association for Local Public Health (MALPH) by teleconference
- Keith Cheli, Department of Natural Resources, Parks and Recreation Division (MDNR) by teleconference
- Tom Frazier, Legislative Liaison representing Michigan Townships Association
- Jim Horan, Sunnybrook RV Resort, representing MARVAC
- Paul Maitre, Blue Gill Camping, representing ARVC-MI
- Bill Sheffer, Director, MARVAC
- Liane Shekter Smith, P.E. Chief, DEQ, Office of Drinking Water and Municipal Assistance
- Paul D. Sisson, P.E., DEQ, Environmental Engineer Specialist, Campground Program
- Larry Stephens, P.E., Stephens Consulting Services, PC, representing Michigan Onsite Wastewater Recycling Association (MOWRA)

#### **Guests**

- Dale Ladouceur, DEQ, Environmental Health Programs Unit attending for Ric Falardeau.
- Sue Wells, Oakland County Parks attending for Dan Stencil
- Irvin J. Poke, LARA

- Keith Lambert, LARA

### **Members Absent**

- Michael L. Berrevoets, FTC&H, representing American Council of Engineering Companies of Michigan (ACEC)
- David Cordray, White River Campground, representing ARVC-MI
- Debra Duffy, Family Campers & RVs
- Bob Garcia, Family Motor Coach Association
- David Graves, P.E., DEQ, Environmental Engineer, Campground Program
- Richard A. Falardeau, P.E., DEQ, Chief, Environmental Health Programs Unit
- Mary Kushion, Mary Kushion Consulting
- Carrie Monosmith, Chief, Environmental Health Section
- Eric Pessel, Environmental Health Director, Kent County Health Department, representing Michigan Association of Local Environmental Health Administrators (MALEHA)
- Rob Pirsein, P.E., Midwest Civil Engineers, PC
- Dan Stencil, Executive Officer, Oakland County Parks & Recreation, representing Michigan Recreation and Park Association
- Steve Yencich, President, Michigan Lodging & Tourism Association (MLTA)

### **Invited Stakeholders Not Present**

- Cinda Karlik, Michigan Department of Agriculture and Rural Development (MDARD)
- Larry Lehman, Michigan Department of Licensing and Regulatory Affairs (LARA). Mr. Lehman retired June 2014.
- David Lorenz, Public & Industry Relations Manager, Michigan Economic Development Corporation (MEDC)
- Michigan Association of Fairs & Exhibitions (MAFE)
- Rick Miller, State Fire Marshall, LARA Bureau of Fire Services

### **Introductions and Minutes**

Sue Wells from Oakland County Parks attended the meeting in place of Dan Stencil. Dale Ladouceur from DEQ attended the meeting in place of Ric Falardeau. Irvin Poke and Keith Lambert from the LARA, Bureau of Construction Codes were introduced. The minutes of the June 2, 2014 meeting were approved.

### **Discussion of Common Issues with LARA Officials**

Since Larry Lehman from LARA retired in June, Irvin Poke and Keith Lambert agreed to attend our workgroup meeting to discuss construction code issues with campgrounds.

We first discussed the difficulty with identifying the differences between campgrounds and seasonal mobile home parks. Many years ago, seasonal establishments that consisted mostly or entirely of mobile homes (MHs) were allowed to choose to be a CG or a seasonal mobile home park (SMHP). Many of these that opted to be a campground remain in operation to this day. Some opted to be licensed as a SMHP. Given that there is some of each; it is very difficult to identify differences between the two. The only actual difference is the size of the unit. A newer version of this is CGs that have park models. The workgroup has expressed the intent of phasing MHs out of CGs, so that only RVs, including park models are allowed. This is consistent with the intent of the Act and RV manufacturer's to have only vehicles designed for temporary living quarters located in CGs. MHs, which are designed for permanent occupancy, would be located only in SMHPs.

Even if this is pursued, the sites at both CGs and SMHPs are defined as temporary living quarters. This creates a problem with what to and how to enforce. Further, if the line remains unclear, does it really matter whether one is a CG or a SMHP?

The main problem can be the issue of permanent residency. RVs are clearly not designed for nor approved for permanent residency, MHs are designed for permanent residency, but infrastructure and zoning may only allow temporary residency. The owner must be relied on to enforce temporary residency. However, if they do not, how is temporary residency enforced?

DEQ and LARA need to discuss how to make the distinctions between CGs and SMHPs clearer. LARA agreed to provide information about the number of licensed SMHPs they have and how many new ones have been established over a period of time. What infrastructure changes are necessary to convert from a CG to a SMHP or from a SMHP to a permanent MHP?

The second issue we discussed concerned structures and the DEQ memo of 2/26/2010 concerning structures on CGs. LARA first indicated that structures should be defined according to the State Construction Code, 1972 PA 230 (MCL 125.1502a). A definition of "structure" would be added that simply cites this reference.

Concerning our February 26, 2010 memo about Structures on Licensed Campsites, Mr. Poke and Mr. Lambert agreed that the table in that memo was generally accurate. Then, the decision would be to decide whether we should include a similar table in revised CG rules or keep the rules general. This decision is dependent on how far the workgroup really wants to regulate structures on campsites. What is the public health and safety significance of any structure that may be placed on a campsite and what factors should be considered in allowing types, sizes, and placement of non-RV structures on a campsite?

One main factor that distinguishes a campsite from a mobile home site or any other parcel is lot lines. Lot lines are one main criterion for determining compliance with construction codes. Except for condominiums, the lot lines for most CGs are not really fixed. This makes it difficult to establish minimum set back requirements for RVs and structures from lot lines. Further, without "fixed" campsite boundaries, it will be difficult to establish different set back requirements for different types of campsites, should the workgroup would wish to do so. The requirements for allowed structures and setbacks could be different for transient or seasonal campsites or for campsites that are intended for park models. Short of actually requiring specific campsite boundaries, some requirements could be set to at least mark the corners of new sites according to the approved plans.

The main reason to require setbacks and minimum spacing between structures is for emergency access. A minimum distance of 4 feet is currently required in the CG rules and by LARA. Since structures like decks really do not impede rescue access to an RV, the rule needs clarification to indicate what structures may be attached to an RV and how. The rule also needs to mention that trees, bushes, and other vegetation should not interfere with the emergency access around the RV.

A porch, screen room, or deck should be able to be simply attached to an RV with bolts or screws in such a way as to not modify the RV and allow rapid removal to allow the RV to be put back on the road. Any structure that attaches to, on, or over an RV that modifies the RV structure should not be allowed. This would mean if a stick-built roof was added to an RV to replace the original RV roof, this would not be allowed. Once the RV is modified away from road worthiness, it is no longer an RV and should be removed from the campsite.

We next discussed cabins in campgrounds. The primary concern for construction codes and for the workgroup was if the cabin was equipped with electricity, water, sewer, or is equipped with a

heating system, then it would need to have permits and inspections by the appropriate authority having jurisdiction. Most cabins are wired for electricity. Some of these use RV hookups to connect to the CG electrical supply and some are hard wired in. The hard wired cabins definitely need the local electrical inspection. Cabins that are built off-site should have third-party certifications. In addition to inspections, some minimum safety standards should be set such as requiring smoke alarms and having proper emergency egress.

The workgroup discussed other types of structures being used as cabins such as shipping containers and small houses less than 800 sq ft that are being constructed for condominium CGs in Arizona, Florida, and Texas.

The workgroup indicated that cabins located on licensed sites should be structures built on skids. A cabin built on a foundation would not be allowed on a licensed campsite. However, the workgroup wishes to accommodate different types of cabins in CGs. How can the Act and rules recognize these different types of cabins but still fit within what a CG is intended to be?

LARA has similar problems with structures as DEQ does with structures in CGs. There are variations on how a local building official interpret the construction code. In cases where a local official does not allow something in a CG that has been allowed elsewhere, these cases should be referred to the state office.

It will be best to clarify in the CG rules what structures are allowed, but still allow flexibility. The workgroup suggested an annex, guideline, or policy be published discussing why certain structures are not allowed.

It was also suggested that a better mechanism be set up that would check with local units of government first about the status of zoning and special use permits for CG construction. DEQ currently sends out a notice to the township when we receive an application for a construction permit. DEQ also currently sends copies of construction permits when they are issued. A stronger condition should perhaps be placed on a construction permit that indicates that the construction authorized does not preclude compliance with local zoning and special use permits.

### **Sanitary Stations**

The workgroup briefly discussed sanitary stations requirements at CGs. Rule 26 currently requires a sanitary station for any CG that has water under pressure but does not have water connections for every site. DEQ has not allowed pump and haul sanitary stations, but has required the construction of septic tanks and drain fields for wastewater disposal for sanitary stations. There are situations where a pump and haul sanitary station is actually preferable over on-site disposal. Pump and haul sanitary stations should be allowed or perhaps no sanitary station should be required for small permanent CGs. The specific size was not discussed. Requirements for sanitary stations at temporary CGs should be clarified. This topic is tabled until we get to this point in the rules.

### **Definitions in the Act and Rules**

DEQ was asked to compile the edits to the Act and rules to date and send them out to the workgroup.

### **Campground Program Budget, Fees, and Spending Priorities**

DEQ was not able to propose different options for funding the CG program for this meeting. Based on current costs to fund one position without general fund support and also pay for upper administration overhead and cost allocation, the current CG construction permit and license fees alone can barely fund one position, probably less than one. The CG Program has

operated with about 3 positions in the past. Our office has currently chosen to temporarily supplement the CG Program with water supply and other funding sources. These are only non-sustainable, short term fixes. We discussed one proposal to raise the annual CG licensing fee about \$90+ per CG. This would generate funding for about two positions.

DNR reported that even with camping fees and Recreation Passport support, their CGs are not making a profit. This means that DNR is also using other funds to support program operation.

There is an effort in Michigan to try to eliminate the myriad of fees required by many small underfunded programs. The CG Program would be funded by this alternate funding source. Some type of program would be set up to pay one fee into a restricted general fund. The license fee and resulting general fund would need to be large enough support several small programs.

The real key to setting the right fees for the CG Program is to clearly identify our program needs and priorities and the time necessary to do these correctly. The core CG program spends time on construction plan review, communication, support, and training of local health departments, communication, support, and training of CG owners, inspection and compliance determination issues, enforcement, etc. What is the level of staffing necessary to do all these things minimally; or do all these things effectively?

### **Temporary Campgrounds**

The workgroup briefly discussed the definition of a temporary CG and to perhaps change the time of allowed operation. It was indicated that there are likely a significant number of temporary campgrounds that are never reported or licensed. Some different methods are needed to identify areas where these are not being reported.

### **Assignments**

- DEQ staff will compile changes to the Act and rules that the workgroup has discussed to date.

### **Next Meeting**

The next meeting is set for Monday, August 11, 2014, at 1:00 p.m. in Lansing, McCauley Conference room, 4 South, Constitution Hall. The following meeting is set for and September 15. The teleconference phone number, and agenda will be sent to workgroup members later.

The workgroup meeting was adjourned at 4:10 p.m.

Attachment

Respectfully submitted,  
Paul D. Sisson  
July 24, 2014